

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANGELA EUNICE NEAL,

Plaintiff(s),

v.

TONIC D. TEP,

Defendant(s).

Case No. 2:21-CV-433 JCM (DJA)

ORDER

Presently before the court is defendant Tonic Tep's motion to dismiss plaintiff Angela Neal's complaint. (ECF No. 36). Plaintiff has not filed a response, and the time to do so has now passed.

Federal Rule of Civil Procedure 41(b) provides that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." Fed. R. Civ. P. 41(b). This court also has the inherent power to sua sponte dismiss a case for want of prosecution or compliance with court orders. *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962); *Pagtalunan v. Galaza*, 291 F.3d 639, 640–43 (9th Cir. 2002); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992).

This inherent power is also codified in this court's local rules. Local Rule 41-1 provides that "[a]ll civil actions that have been pending in this court for more than 270 days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution by the court sua sponte or on the motion of an attorney or pro se party." LR 41-1.

On April 1, 2022, this court received a letter from plaintiff notifying it that she would be proceeding pro se. (ECF No. 33). Since receipt of that letter, this court denied a motion to strike

1 on April 14, 2022, but otherwise there have been no proceedings of record in well over 270 days.
2 Therefore, dismissal of this suit for want of prosecution is appropriate under Local Rule 41-1.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the claims against
5 defendant be, and the same hereby are, DISMISSED, for want of prosecution.

6 IT IS FURTHER ORDERED that defendant's motion to dismiss (ECF No. 36) be, and
7 the same hereby is, DENIED, as moot.

8 The clerk is instructed to close the case.

9 DATED March 3, 2023.

10 
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28